

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21084 of 2015 (I)

PETITIONER(S) :

**T.A.SUGATHAN,
THALAPPILLIL HOUSE, NERIYAMANGALAM, AVOLICHAAL,
KOTHAMANGALAM, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

**THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
MUVATTUPUZHA- 686 661.**

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 21084 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE REQUEST FOR CLEARANCE CERTIFICATE
FILED ON 07/07/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.21084 of 2015

Dated this the 20th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction from this Court for a direction to issue clearance certificate without insisting on surrender/cancellation of the permit issued to the vehicle.

2. The petitioner holds a regular permit to conduct service on the route between Vellakayam and Perumbavoor issued in respect of stage carriage bearing registration No.KL-40/B 5040. The regular permit is valid till 2.12.2009. The petitioner alleges that he intends to replace the said vehicle with a suitable other vehicle, preferably, of a later model. However, circumstances are such that he can arrange for a suitable vehicle only after disposing of the existing vehicle. It was in the above circumstances that the petitioner filed an application before the respondent for the issue of a clearance certificate in respect of the above vehicle by keeping the permit in suspended animation. The intention was to resume

the service with a suitable other vehicle after the construction of the bridge is completed. However, the respondent has not taken any action so far.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of the submissions and the nature of the relief sought for, the writ petition is disposed of directing the respondent to consider and pass appropriate orders on Ext.P1 request without insisting for surrender of permit and getting the same in suspended animation, after affording the petitioner an opportunity of being heard within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.